



FH
[REDACTED]

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

FOO/168975

PRELIMINARY RECITALS

Pursuant to a petition filed September 24, 2015, under Wis. Admin. Code § HA 3.03(1), to review a decision by the Rock County Department of Social Services in regard to FoodShare benefits (FS), a telephonic hearing was held on November 04, 2015, at Janesville, Wisconsin.

The issue for determination is whether there is any remaining issue in dispute regarding petitioner's FS benefits of \$16 as of June, 2015 because those FS benefits did not change in the June 2, 2015 notice or after June, 2015.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

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Respondent:

Department of Health Services
1 West Wilson Street, Room 651
Madison, Wisconsin 53703

By: [REDACTED] ES Supervisor
Rock County Department of Social Services
1900 Center Avenue
PO Box 1649
Janesville, WI 53546

ADMINISTRATIVE LAW JUDGE:

Gary M. Wolkstein
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Rock County.
2. The petitioner receives FoodShare (FS) benefits for a household of one.

3. The petitioner has received FS benefits of \$16 since June, 2015.
4. The county agency sent a June 2, 2015 notice to the petitioner confirming that his FS benefits would remain the same at \$16 as of July, 2015 with no negative action against his FS benefits.
5. The petitioner mailed a FS appeal to the Division of Hearings and Appeals (DHA) which was postmarked on September 24, 2015, and received at DHA on September 28, 2015. That appeal was untimely because no negative action was taken against his FS within the 90 day appeal period prior to petitioner's appeal.

DISCUSSION

The petitioner did not dispute that his appeal was untimely because it was not timely filed within 90 days of a negative action to his FS benefits. The hearing record is clear that petitioner has received FS of \$16 since June, 2015, and that amount of FS has remained the same since June, with no negative action by the county agency against his FS benefits. As a result, petitioner was unable to refute that there is no remaining issue in dispute regarding his FS benefits of \$16 as of June, 2015 because those FS benefits did not change in the June 2, 2015 notice or after June, 2015.

CONCLUSIONS OF LAW

The county agency correctly determined that there is no remaining issue in dispute regarding petitioner's FS benefits of \$16 as of June, 2015 because those FS benefits did not change in the June 2, 2015 notice or after June, 2015.

THEREFORE, it is

ORDERED

The petition for review herein be and the same is hereby Dismissed.

REQUEST FOR A REHEARING

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

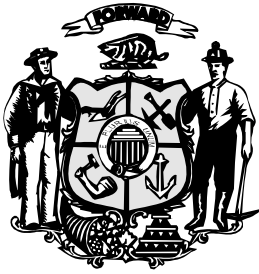
APPEAL TO COURT

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 1 West Wilson Street, Room 651, Madison, Wisconsin 53703, **and** on those identified in this decision as "PARTIES IN INTEREST" **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Madison,
Wisconsin, this 11th day of November, 2015

\sGary M. Wolkstein
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

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Madison, WI 53705-5400

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The preceding decision was sent to the following parties on November 11, 2015.

Rock County Department of Social Services
Division of Health Care Access and Accountability